

DOCKET NO. 3:05-cv-00401-FDW

Defendant.

NOTICE

When a motion for summary judgment is properly made and supported, an opposing party may not rely merely on allegations or denials in its own pleading; rather, its response must—by affidavits or as otherwise provided in this rule—set out specific

facts showing a genuine issue for trial. If the opposing party does not so respond, summary judgment should, if appropriate, be entered against that party.


This rule requires that if Plaintiff has any evidence to offer to counter the evidence contained in Defendant's motion for summary judgment and supporting documents, she must present it to the Court in the form of documents, affidavits, or unsworn declarations under penalty of perjury. An affidavit is a written statement made under oath; that is, a statement prepared in writing by the Plaintiff and sworn before a Notary Public. If the Plaintiff chooses, she may instead submit an unsworn declaration and state the following with the date and her signature: "I declare under penalty of perjury that the foregoing is true and correct."

Plaintiff is further advised that she has **FOURTEEN CALENDAR DAYS** from the date of this Order and no later than May 20, 2008, in which to file documents, affidavits, or unsworn declarations in opposition to Defendant's Motion for Summary Judgment. **FAILURE TO RESPOND WITHIN THIS TIME PERIOD MAY SUBJECT THIS ACTION TO SUMMARY JUDGMENT.**

THEREFORE, IT IS HEREBY ORDERED that Plaintiff has fourteen (14) calendar days from the filing of this Order in which to provide her own documents, affidavits, or declarations countering the evidence offered by Defendant's motion for summary judgment.

IT IS SO ORDERED.

Signed: May 5, 2008


Frank D. Whitney
United States District Judge

